



O.P.No.156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.08.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.156 of 2025

V.Shanthi

...Petitioner

vs.

1.Vijaya Srinivasan

2.Sharath Kumar Srinivasan

...Respondents

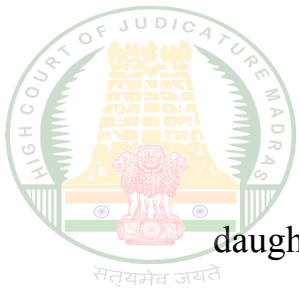
PRAYER: Original Petition filed under Section 232, 255 and 276 of Indian Succession Act XXXIX of 1925 read with Order XXV Rule 5 of O.S. Rules, praying to grant Letters of Administration with the Will annexed to the petitioner as the daughter and the sole legatee and sole beneficiary under the Will having effect limited to the property mentioned in the affidavit of assets and limited to the State of Tamil Nadu.

For Petitioner : M/s.Balan Haridas

For Respondents : No appearance

ORDER

This Original Petition has been filed for issuance of the Letters of Administration in respect of the Will dated 29.05.2013 executed by Mr.C.Swaminathan, who died on 24.10.2022. The petitioner is the



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daughter of the testator, whereas the respondents 1 and 2 are the legal heirs of Late.Mr.S.Srinivasan, the predeceased son of the testator.

2. The petitioner submits that the testator was married to one Mrs.S.Shyamala who predeceased the testator on 26.04.2008 and the couple had begotten one Mr.S.Srinivasan and the petitioner as their children out of the said wedlock. The petitioner also submits that aforesaid son of the testator Mr.S.Srinivasan died leaving behind his wife and son as his only legal heirs, who are impleaded as respondents 1 and 2 to this petition. The petitioner asserts that the testator prior to demise had executed a Will dated 29.05.2013 registered as Document No.42 of 2013 in the SRO of Anna Nagar. In accordance with the aforesaid will, the testator had bequeathed the immovable property described morefully in the schedule of the petition, absolutely infavour of his daughter, the petitioner herein. The testator had further explicitly stated in the Will he had retained the aforesaid immovable property to himself during his lifetime and the said property being one out of the four flats obtained by him under the Joint Development Agreement dated 03.10.2012 with one M/s.Bharanee Buliders, for developing a residential building upon the plot absolutely owned by him. The petitioner is the only beneficiary named under the said will for immovable property described therein.



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Therefore petitioner seeks issuance of Letters of Administration in respect of the property situated within the jurisdiction of this court.

3. The petitioner has examined herself as PW1. She has produced 9 Documents to support her deposition which are listed as Ex.P1 to Ex.P9 at the foot of the order. The original Will dated 29.05.2013 executed by the testator has been marked as Ex.P1. The computer generated copies of the death certificate and the legal heirship certificate of the testator has been marked as Ex.P2 and Ex.P3 respectively. The computer generated death certificates of Late.Mrs.S.Shyamala, the predeceased wife of the testator and Late.Mr.S.Srinivasan, the predeceased son of the testator, has been marked as Ex.P4 and Ex.P5 respectively. The perusal of Ex.P1, clearly proves that the petitioner is the sole beneficiary for the subject property named in the Will executed by the testator. The general paper publications have been effected which are marked as Ex.P7 and Ex.P8, for which no objections have been received.

4. The petitioner has examined one Mr.G.Manikandan, who is the first attesting witness to the said Will as PW2. He has spoken about the execution of the Will by the testator and its attestation by him along with Mr.Karthick, who is the other attesting witness to the Will. He further identifies his signature and the signature of with Mr.Karthick, the other



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attesting witness in the original Will marked as Ex.P1 and has marked his affidavit as Ex.P10.

5. It can be seen that several attempts have been made to complete the service of notices upon the respondents 1 and 2. The notices attempted to be served upon them were returned as unserved and further the respondents 1 and 2 'refused' to receive the notice when it was attempted to be served on 22.04.2025. The service of notices upon the respondents is deemed to have been completed. In spite of the service being completed and being brought to notice about the ongoing proceedings, the respondents 1 and 2 chose to keep themselves away from the proceedings.

6. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief

7. In view of the above mentioned facts, this Original Petition is ordered and Letters of Administration are granted in favour of the petitioner, in respect of the Will dated 29.05.2013 of the testator Late.Mr.C.Swaminathan. The petitioner is directed to execute a security bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in



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the name of the Assistant Registrar (Original Side) of this Court. The petitioner is further directed to file an inventory of assets and statement of accounts within a period of six months and one year, respectively.

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.V.Shanthi

P.W.2 – Mr.G.Manikandan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original Will executed by C.Swaminathan dated 29.05.2013.
Ex.P2	Computer generated copy death certificate of C.Swaminathan who died on 24.10.2022.
Ex.P3	Computer generated copy legal heir certificate of C.Swaminathan dated 25.05.2023.
Ex.P4	Computer generated copy of the death certificate of Shyamala who died on 26.04.2008.
Ex.P5	Computer generated copy of the death certificate of S.Srinivasan who died on 28.11.2011.
Ex.P6	Affidavit of assets showing the net value of the estate Rs.1,10,00,000/-
Ex.P7	One issue of paper publication effected in Tamil Daily "Makkal Kural" dated 04.07.2025.
Ex.P8	One issue of paper publication effected in English Daily "Trinity Mirror" dated 12.07.2025.
Ex.P9	Certificate under Section 63(4)(c) of BSA Act, 2023 filed



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<i>Exhibits</i>	<i>Documents</i>
	for Exs.P2 to P5.
Ex.P10	Affidavit of P.W.2.
Ex.P11	Photocopy of the Aadhar card of the 1 st attesting witness.

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